

(1) The Defendants are to depose eyewitness Willie Smith by November 27, 2009.

(2) The parties are to submit a report to the Court by November 27, 2009, explaining whether Defendants deposed Willie Smith.

(3) The Defendants are to submit a report to the Court by November 27, 2009 explaining the status of the bankruptcy proceedings of Defendant Gainey Transportation Services, Inc. and whether they will request the bankruptcy court to lift the automatic stay of proceedings.

(4) If either party wishes to designate an expert, that party should promptly file a motion with the Court seeking permission to designate an expert.

SO ORDERED, this the 13th day of November, 2009.

s/ Hugh Lawson
HUGH LAWSON, Senior Judge

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